

STATE OF RHODE ISLAND

20-005P
COMMISSIONER OF
EDUCATION

C. DOE

v.

COVENTRY SCHOOL COMMITTEE

Decision

Held: Coventry School Department cannot require parents to pay fees for advanced placement exams when it requires students to take the exams to receive high-school course credits.

Date: April 17, 2020

Introduction

This is an appeal from the Coventry School Committee's failure to pay a high-school student's advanced placement exam fees.¹

Background

Appellant's son is a senior at Coventry High School. He is taking five advanced placement (AP) courses this school year. In October 2019 he registered for exams in each of the courses. Coventry requires its high-school students to take AP exams in order to receive credits for the courses. Each exam costs \$94, payable to the College Board.² Appellant asked the Superintendent³ and the School Committee to pay his son's exam fees. His request was not based on financial need. Coventry declined to pay for the exams. Appellant paid the fees and is seeking reimbursement for the \$470 he paid to the College Board.

Most courses at Coventry High School are not AP courses. The School does not require AP courses. Appellant's son chose to take AP courses, which receive added weight for grade point average (GPA) and class rank purposes. In 2019, 323 exams were taken by students in Coventry High School AP courses. Coventry uses federal funds under Title IV of the Elementary and Secondary Education Act of 1965 to pay AP exam fees for students who qualify for free or reduced school lunch. In 2019, \$2,280 was budgeted to pay reduced fees for 60 exams. United States Department of Education Non-Regulatory Guidance for the Student Support and Academic Enrichment program under Title IV states, in part, that

An LEA [local educational agency] may use funds for efforts to raise student achievement through accelerated learning programs, including by: reimbursing low-income students to cover all or part of the costs of AP, IB [International Baccalaureate], or other accelerated learning program examinations; and increasing the availability of, and enrollment in, AP or IB programs, dual or concurrent enrollment programs, early college high schools, and other accelerated learning options. AP and IB programs are designed to help students prepare for college-level work and enable students

¹ A hearing was held in this matter on February 24, 2020.

² The exams are administered by the College Board in May.

³ In an email to the Superintendent, Appellant stated that "I haven't told anyone in the community about my concern, so if you want to keep this between us, that's fine with me. I'm not looking to get a bunch of parents up in arms." In a follow-up email he stated "I didn't mean it the way it might have sounded. I was just trying to give you the option to keep it confidential, if you preferred." [School Committee Exhibit 2 and Appellant Exhibit 2].

to take college-level courses in high school and potentially earn college credit based on scores achieved on AP and IB exams.⁴

The Rhode Island Department of Education (RIDE) requires school districts to comply with the federal guidance as a condition of approval of their federal consolidated resource programs. Coventry also has used student activity funds to assist low-income parents pay AP exam fees. No student in Coventry is denied the opportunity to take an AP exam because of financial need. Coventry does not, however, have funds in its current budget to pay for all students' AP exams. The fiscal situation has been brought about by budget cuts in the past two school years by the Coventry Town Council and by voter referendum. These budget cuts have forced the School Committee to eliminate more than 20 teaching positions.

Positions of the Parties

Appellant contends that the School Committee's policy requiring any student to pay AP exam fees violates Rhode Island General Law 16-38-6(a)⁵ and that the Commissioner's 2001 decision in *Susan Sullivan v. Cumberland School Committee*⁶ is dispositive of this matter.

The School Committee argues that Appellant's emails to the Superintendent show that he has unclean hands in this matter. Furthermore, Title IV of federal law establishes that LEAs are permitted to make distinctions between high and low-income families. Federal and state law have changed, and the *Sullivan* decision, which does not mention R.I. Gen. Law 16-38-6, is no longer the prevailing view nor representative of RIDE's initiative to increase the number of students taking advanced coursework. Under current law, Coventry may require parents with the financial means to pay AP exam fees. Coventry does not have the funds to pay for all students' AP exam fees, and the School Committee's budget is constrained by R.I. Gen Law 44-5-2(b).⁷ If Coventry is forced to pay exam fees, AP exams in Coventry and all over the state will no longer be required and the federal state accelerated learning agenda will be reversed.

4

<https://www2.ed.gov/policy/elsec/leg/essa/essassaegrantguid10212016.pdf> (p. 21)

⁵ Which states in part, "[n]o public school official or public school employee shall, for any purpose, solicit or exact from any pupil in any public school any contribution or gift of money or any article of value, or any pledge to contribute any money or article of value."

⁶ 0002-01, January 10, 2001.

⁷ Pursuant to which, "a city or town may levy a tax in an amount not more than four percent (4%) in excess of the total amount levied and certified by that city or town for its previous fiscal year."

Discussion

In the *Sullivan* case the Commissioner discussed the establishment of “free common schools” in Rhode Island, where “it does not suffice to waive a fee when a student cannot afford to pay it.”⁸ Relying on the fact that the Cumberland School Committee required the student to take the test “to obtain AP credit for high school use,” the Commissioner held that it was “a fee that is required for public school credit, and such a fee is not permissible.”⁹ The Commissioner concluded as follows:

There are a number of ways for the school committee to amend its AP program so that it can pass muster. For example, the teacher's grade alone could be used to compute academic credit for high school purposes. A student who was seeking college credit would still have to pay for the AP examination, but this examination would have nothing to do with high school credit, or class rank. In the alternative, if the school committee insists on using the AP test as a *sine qua non* for high school credit, the committee could pay the testing fee for all students. We limit our ruling here to finding that the school committee cannot condition high school credit on the taking of an examination for which students are required to pay a fee.¹⁰

None of the School Committee’s arguments, ranging from Appellant’s inartful emails to federal and state policy and legal mandates, distinguishes this case from the Commissioner’s ruling in *Sullivan*. While federal law allows LEAs to use Title IV funds for low-income students’ AP exam fees, it does not address the subject of LEAs requiring AP exams for high-school course credit. The federal government’s mere granting of permission to LEAs to use Title IV funds for low-income students’ AP exam fees does not redefine the scope of “public education” that LEAs in Rhode Island must provide. Nor does the record in this case demonstrate how Rhode Island’s advanced coursework initiative will unravel if students are not required to take AP exams.

As suggested in *Sullivan*, Coventry could use the grade given by the High School AP teacher for the student’s course grade, GPA and class rank. AP exams do not relieve the classroom teacher of the responsibility to assess students’ work, and students should be

⁸ *Ibid.*, citing Opinion Letter of the Commissioner to Supt. DiLuglio, June 26, 1981.

⁹ *Ibid.*, p. 4.

¹⁰ *Ibid.*

motivated to apply themselves in AP classes because of the added weight their grades will have on their GPA and class rank. Students may want to take an AP exam to obtain college credits, but that decision rests with families, not LEAs, although the latter could still use Title IV funds for low-income students' AP exam fees.

Coventry has not shown that the Commissioner's suggestion in *Sullivan* is impractical or ineffective. The School Committee's forecast of an adverse impact on its finances and budget are speculative at this time and are dependent on several factors, including how the Committee and students' parents choose to proceed under the Commissioner's ruling in *Sullivan*.¹¹ In any event, Coventry High School is a "free common school" and course credits cannot be made contingent upon payment of a fee.

Conclusion

C. Doe's appeal of the Coventry School Department's refusal to pay the fees for the exams that the School Department requires his son to take to receive high-school credit in his AP courses is sustained. The School Department is hereby ordered to reimburse Appellant for the \$470.00 he paid the College Board for his son's five AP exams.

/s/ Paul P. Pontarelli

Paul E. Pontarelli

Hearing Officer

Approved:



Angélica Infante-Green
Commissioner

Date: April 17, 2020

¹¹ At the time of this decision, school buildings in Rhode Island are closed and students are engaged in distance learning because of the coronavirus pandemic.